



**nswp**

**Global Network of Sex Work Projects**  
Promoting Health and Human Rights

COMMUNITY  
**guide**

# Decent Work



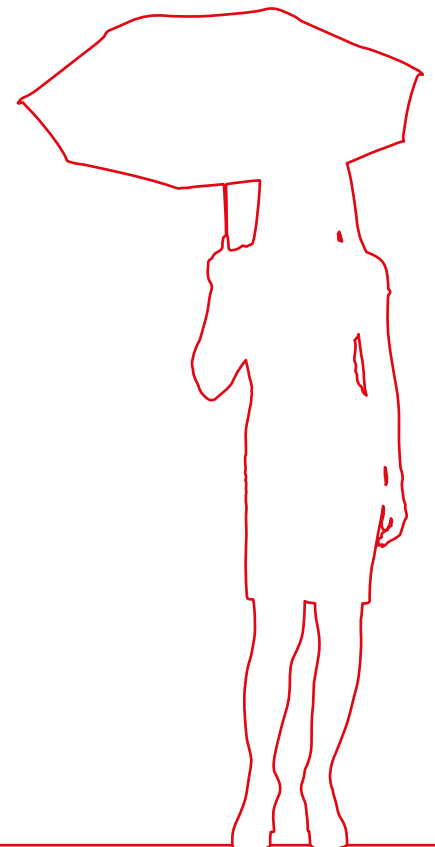


## Decent Work

In most countries, sex workers are subject to exploitative and often unsafe working conditions, and do not benefit from the same labour regulations and protections as other workers. They are not covered by any health and safety laws in their workplaces, lack bargaining power with managers, and don't receive benefits such as paid sick and maternity/paternity leave, maximum working hours, minimum wages, legal rights regarding unfair dismissal, or compensation for injuries at work. Sex workers are also excluded from social protection schemes, including health insurance, pensions, unemployment, and disability benefits. These are challenges commonly faced by informal workers globally; however, for sex workers in particular, the precarious conditions that they face are worsened by the criminalisation of sex work and the increased stigma, discrimination and violence resulting from it.

The International Labour Organization (ILO) established the Decent Work Agenda to put forth solutions to precarity in informal work, the four pillars of which are: employment creation; rights at work; social protection; and social dialogue, which apply to both formal and informal types of work. Decent work is work that delivers a fair income, safety at work, social protection, prospects for personal development and social integration, the opportunity for workers to participate in decision-making that affects their work, and equal opportunity for men and women. ILO's Recommendation 200 concerning HIV/AIDS and the world of work was developed on the clear understanding that sex work is covered by this instrument, which recognises formal and informal economies. However, to effectively support the fight for sex workers' rights and the implementation of decent working conditions in sex work, then sex work must be explicitly recognised as a form of work by international bodies such as ILO. Continuing the fight for the decriminalisation of sex work and national recognition that sex workers are included in ILO's Decent Work Agenda would be the first policy steps in addressing deficits in working conditions.

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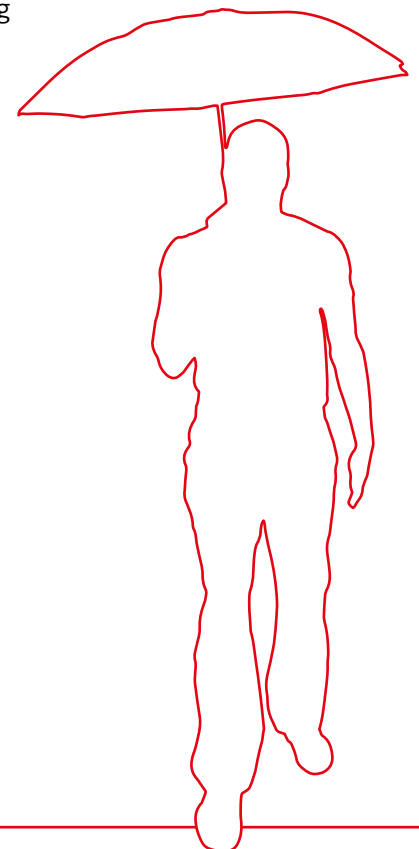


NSWP consulted with member organisations regarding the existing frameworks that enable decent working conditions for sex workers in their countries. The responses revealed that, while there are some policies and schemes that are inclusive of sex workers, the criminalisation of many aspects of sex work in most countries hinders sex workers accessing social protection, rights at work, representation at work and the other pillars of decent work. Due to sex work not being recognised as work in most countries, sex workers are generally not covered by the occupational health and safety standards that apply to other workers. Furthermore, laws against third party employment relationships within sex work prevent sex workers from demanding that managers maintain these standards, which means owners of venues can more easily exploit sex workers.

Sex worker-led organisations are already leading the way in advancing the decent work agenda for sex workers. In France, STRASS set up health insurance and sick pay schemes for sex workers through the self-organisation of sex workers, giving sex workers more security in their working lives as well as in their personal lives when they are unable to work. In Thailand, sex workers in the Empower Foundation managed to design and build their own workplace – the Can Do Bar – according to national occupational health and safety standards. The Can Do Bar is the first of its kind and provides workers with opportunities for promotion and to advance their skills.

A sexual health clinic specially for sex workers was set up by the Aotearoa New Zealand Sex Workers' Collective. The clinic also offers extensive guidance for workers new to the industry and has produced a New Workers' Kit, which contains information on a range of topics, from pathways of sexually transmitted infections, to the legal conditions surrounding sex work, to avoiding and dealing with burnout, and interaction with clients. In South Africa, where sex work is still largely criminalised, a sex worker managed to bring her case of unfair dismissal from her workplace at the Labour Appeals Court with the help of Sisonke and the Women's Legal Centre. The eventual ruling in her case, *Kylie v. CCMA and Others*, confirmed that, although her employment was criminalised, this should not impact on her constitutional right to have her labour rights protected. In the Northern Territory of Australia, full decriminalisation has recently been implemented for all areas of sex work. With the support of unions and the Department of Health and the Department of the Attorney General and Justice, SWOP-NT and Scarlet Alliance are now developing Work Health & Safety guidelines to support safer working conditions for sex workers.

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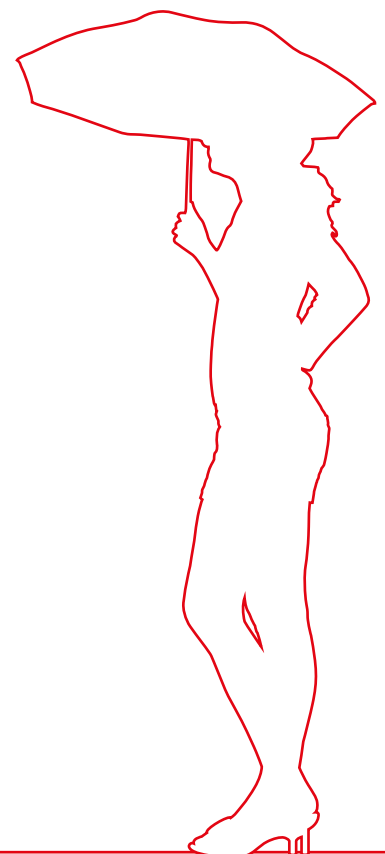




## Recommendations for Sex Workers' Rights Organisations and Allies

- Sex work must be recognised as legitimate work, equal to other forms of work
- Governments, policymakers, and advocates must actively pursue the full decriminalisation of sex work, including sex workers, clients and third parties. Criminalisation is a major barrier that excludes sex workers from attaining labour rights
- Sex work must be included when governments are determining employment relationships that could mean sex workers become eligible for labour protections and rights already granted to other informal and formal workers
- Sex workers should familiarise themselves with the general labour laws and regulations in their respective countries so that they are able to refer to these when demanding their labour rights
- Challenge self-stigma in sex work so that sex workers recognise themselves as dignified workers and are empowered to advocate for decent working conditions
- Engage with owners or managers of commercial sex businesses where possible, as they are responsible for determining working conditions in their venues
- Strengthen alliances with other movements to negotiate more effectively with local and national authorities and construct decent work guidelines
- Reach out to labour unions to create an understanding of the commonalities of sex workers' needs with other workers
- ILO should engage proactively with global and local sex workers' rights movements to advance the understanding of sex work as work
- ILO should endorse the efforts of sex worker-led organisations to promote and provide decent work standards in line with their four pillars.

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The Community Guides are the result of desk research and a global e-consultation, and aim to provide simple summaries of NSWP's Smart Guides, further detail and references can be found in the accompanying Smart Guides.

The term 'sex workers' reflects the immense diversity within the sex worker community including but not limited to: female, male and transgender sex workers; lesbian, gay and bi-sexual sex workers; male sex workers who identify as heterosexual; sex workers living with HIV and other diseases; sex workers who use drugs; young adult sex workers (between the ages of 18 and 29 years old); documented and undocumented migrant sex workers, as well as and displaced persons and refugees; sex workers living in both urban and rural areas; disabled sex workers; and sex workers who have been detained or incarcerated.



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NSWP is an alliance partner of Bridging the Gaps – health and rights for key populations. This unique programme addresses the common challenges faced by sex workers, people who use drugs and lesbian, gay, bisexual and transgender people in terms of human rights violations and accessing much-needed HIV and health services. Go to: [www.hivgaps.org](http://www.hivgaps.org) for more information.

